

109-24 111

Docket No.: WEB 7765 CIP

COMBINED DECLARATION AND POWER OF ATTORNEY  
IN ORIGINAL APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ENANTIOMERICALLY PURE BASIC ARYLCYCLOALKYLHYDROXYCARBOXYLIC  
ESTERS, PROCESSES FOR THEIR PREPARATION AND THEIR USE IN  
MEDICAMENTS

described and claimed in the specification bearing that title; that this application in part discloses and claims subject matter disclosed in my earlier filed application No. 09/309,960, filed May 11, 1999; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve month prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application under 37 C.F.R. 1.56a, and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States prior to this application by me or my legal representatives or assigns:

Austrian Application No. A 1973/96, filed November 11, 1996, the International Priority of which is claimed under 35 U.S.C. §119 and International Application No. PCT/AT97/00245, filed November 11, 1997, the Priority of which is claimed under 35 U.S.C. §120.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

HERBERT L. LERNER (Reg.No.20,435)  
LAURENCE A. GREENBERG (Reg.No.29,308)  
WERNER H. STEMER (Reg.No.34,956)  
RALPH E. LOCHER (Reg.No. 41,947)  
OTTO S. KAUDER (Reg.No. 28,025)

LERNER AND GREENBERG, P.A.  
POST OFFICE BOX 2480  
HOLLYWOOD, FLORIDA 33022-2480  
Tel: (954) 925-1100 - Fax: (954) 925-1101

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST JOINT INVENTOR: CHRISTIAN NOE

INVENTOR'S SIGNATURE: \_\_\_\_\_



DATE: November 10<sup>th</sup>, 2001

Residence: FRANKFURT AM MAIN, GERMANY

Country of Citizenship: AUSTRIA

Post Office Address: PAUL-EHRLICH STRASSE 31  
D-60596 FRANKFURT AM MAIN  
GERMANY

---

FULL NAME OF SECOND JOINT INVENTOR: ERNST MUTSCHLER

INVENTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Residence: MAINZ, GERMANY

Country of Citizenship: GERMANY

Post Office Address: AM HACHENBERG 24  
D-55129 MAINZ  
GERMANY

LERNER AND GREENBERG, P.A.  
POST OFFICE BOX 2480  
HOLLYWOOD, FLORIDA 33022-2480  
Tel: (954) 925-1100 - Fax: (954) 925-1101

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FULL NAME OF FIRST JOINT INVENTOR: CHRISTIAN NOE

INVENTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Residence: FRANKFURT AM MAIN, GERMANY

Country of Citizenship: AUSTRIA

Post Office Address: PAUL-EHRLICH STRASSE 31  
D-60596 FRANKFURT AM MAIN  
GERMANY

---

FULL NAME OF SECOND JOINT INVENTOR: ERNST MUTSCHLER

INVENTOR'S SIGNATURE: Ernst Mutschler

DATE: 08.10.2001

Residence: MAINZ, GERMANY

Country of Citizenship: GERMANY

Post Office Address: AM HESCHENBERG 24  
D-55129 MAINZ  
GERMANY

FULL NAME OF THIRD JOINT INVENTOR: GÜNTER LAMBRECHT

INVENTOR'S SIGNATURE: Günter Lambrecht

DATE: 08.10.2001

Residence: MAINZ, GERMANY

Country of Citizenship: GERMANY

Post Office Address: AM SCHINNERGRABEN 79  
D-55129 MAINZ  
GERMANY

---

FULL NAME OF FOURTH JOINT INVENTOR: MICHAEL ELGERT

INVENTOR'S SIGNATURE: DECEASED

HEIR TO FOURTH JOINT INVENTOR: RUTH IRENE ELGERT

HEIR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Residence: FRANKFURT AM MAIN

Country of Citizenship: GERMANY

Post Office Address: TALSTRASSE 87  
D-60437 FRANKFURT AM MAIN  
GERMANY

---

FULL NAME OF THIRD JOINT INVENTOR: GÜNTER LAMBRECHT

INVENTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Residence: MAINZ, GERMANY

Country of Citizenship: GERMANY

Post Office Address: AM SCHINNERGRABEN 79  
D-55129 MAINZ  
GERMANY

---

FULL NAME OF FOURTH JOINT INVENTOR: MICHAEL ELGERT

INVENTOR'S SIGNATURE: \_\_\_\_\_ DECEASED

HEIR TO FOURTH JOINT INVENTOR: RUTH IRENE ELGERT

HEIR'S SIGNATURE: \_\_\_\_\_ *Irene Elgert*

DATE: 15. 10. 2001

Residence: FRANKFURT AM MAIN

Country of Citizenship: GERMANY

Post Office Address: TALSTRASSE 87  
D-60437 FRANKFURT AM MAIN  
GERMANY

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FULL NAME OF FIFTH JOINT INVENTOR: SITTAH CZECHÉ

INVENTOR'S SIGNATURE: S. Czeché

DATE: 17. 10. 2001

Residence: GOTHÄ, GERMANY

Country of Citizenship: GERMANY

Post Office Address: STOELZELSTRASSE 2  
D-99867 GOTHÄ  
GERMANY

---

FULL NAME OF SIXTH JOINT INVENTOR: MAGALI WÄLBROECK

INVENTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Residence: BRUXELLES, BELGIUM

Country of Citizenship: BELGIUM

Post Office Address: RUE DEMOSTHENE 63  
B-1070 BRUXELLES  
BELGIUM

---

FULL NAME OF FIFTH JOINT INVENTOR: SITTAH CZECHÉ

INVENTOR'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Residence: GOTHÄ, GERMANY

Country of Citizenship: GERMANY

Post Office Address: STOELZELSTRASSE 2  
D-99867 GOTHÄ  
GERMANY

---

FULL NAME OF SIXTH JOINT INVENTOR: MAGALI WÄLBROECK

INVENTOR'S SIGNATURE: M. Waelbroeck

DATE: 06 October 2001

Residence: BRUXELLES, BELGIUM

Country of Citizenship: BELGIUM

Post Office Address: RUE DEMOSTHENE 63  
B-1070 BRUXELLES  
BELGIUM

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